

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IT IS ORDERED that:

1. Based upon the government's concession (filing no. [355](#)), the defendant's motion to correct his sentence (filing no. [346](#)) is granted in part and his prison sentence, *but not his supervised release term*, is vacated.
2. Both counsel are directed to place a joint conference call to my judicial assistant to set a date and time for resentencing and they shall make that call on or soon after Monday, August 22, 2016. They should call Kris Leininger at 402.437.1640.
3. *The defendant must appear at resentencing and defense counsel shall consult with the defendant to insure his attendance.* Although it appears that the defendant has "over-served" the appropriate prison sentence given the *Johnson* case and its progeny, I agree with the government that the defendant must still serve a period of supervised release. In turn, this requires a sentencing hearing inasmuch as the defendant refuses to waive his argument that no supervised release should be required.

DATED this 19th day of August, 2016.

BY THE COURT:

s/ *Richard G. Kopf*
Senior United States District Judge